

FORM PTO-1390 (Modified) (REV 11-98)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 36226/125733	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)	
				09/890088	

INTERNATIONAL APPLICATION NO. PCT/IT00/00016	INTERNATIONAL FILING DATE 21 January 2000	PRIORITY DATE CLAIMED 29 January 1999
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TITLE OF INVENTION
USE OF NERVE GROWTH FACTOR FOR THERAPY OF INTRAOCULAR TISSUE PATHOLOGIES

APPLICANT(S) FOR DO/EO/US
Alessandro Lambiase

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

- 1) Transmittal Letter;
- 2) Two checks totalling \$470.00 to cover filing fee and recording fee;
- 3) Information Concerning Elected Offices Notified Of Their Election (Form PCT/IB/332) (1 p.);
- 4) Notification Concerning Submission or Transmittal of Priority Document (Form PCT/IB/304) (1 p.);
- 5) PCT Request (Form PCT/RO/101) (4 pp.);
- 6) PCT Notification of Receipt of Demand by Competent International Preliminary Examining Authority (Form PCT/IPEA/402) (1 p.); and
- 7) Return postcard

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.53)

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

09/890008

PCT/IT00/00016

36226/125733

21. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1,000.00
- ☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$860.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**\$860.00**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$0.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	12 - 20 =	0	x \$18.00
Independent claims	2 - 3 =	0	x \$80.00
Multiple Dependent Claims (check if applicable)			<input type="checkbox"/>

\$0.00**\$0.00****\$0.00****TOTAL OF ABOVE CALCULATIONS =****\$860.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).

☒**\$430.00****SUBTOTAL =****\$430.00**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

+

\$0.00**TOTAL NATIONAL FEE =****\$430.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).

☒**\$40.00****TOTAL FEES ENCLOSED =****\$470.00**

Amount to be:
refunded \$
charged \$

☒ A check in the amount of \$470.00 to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **02-4467** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

N. Whitney Wilson, Esq.
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167
Tel. No. (212) 692-1800
Fax No. (212) 692-1900

SIGNATURE

Stephen Brown

NAME

43,519

REGISTRATION NUMBER

July 26, 2001

DATE

Applicant or Patentee: Anabasis Srl	Attorney's
Serial or Patent No.: PCT/IT2000/00016	Docket No.
Filed or Issued: 29.01.2001	
For: Use of nerve growth factor for therapy of intraocular tissue pathologies	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (c) – SMALL BUSINESS CONCERN**

I hereby declare that I am

() the owner of the small business concern identified below:

(X) an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: **Anabasis Srl**

ADDRESS OF CONCERN: **Via delle Robinie, 45 – 00175 Roma (IT)**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **Use of nerve growth factor for therapy of intraocular tissue pathologies**

by inventor(s): **Alessandro Lambiase**
described in:

() the specification filed herewith

(..) application serial no.

filed

() patent no.

issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME: **Anabasis Srl**

ADDRESS: **Via delle Robinie, 45 00175 Roma**

(...) INDIVIDUAL

(X...) SMALL BUSINESS CONCERN

() NONPROFIT ORGANIZATION

NAME:

ADDRESS:

(...) INDIVIDUAL

(...) SMALL BUSINESS CONCERN

() NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at any time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: **Alessandro Lambiase**

TITLE OF PERSON OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE:

Alessandro Lambiase

DATE: **July 13, 2001**